

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS
2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON DC 20037

TELEPHONE (202) 663-7825
FACSIMILE (202) 663-7849

ROBERT A. WIMBISH

(202) 663-7824 (Direct Dial)
E-Mail: rwimbish@bakerandmiller.com

August 22, 2012

232827

BY HAND DELIVERY

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

FEE RECEIVED

AUG 22 2012

**SURFACE
TRANSPORTATION BOARD**

Re: *Norfolk Southern Railway Company Abandonment Exemption - In Aurora,
Beaufort County, North Carolina*
STB Docket No. AB-290 (Sub-No. 338X)

Dear Ms. Brown:

Pursuant to the Board's abandonment class exemption procedures for lines with no local business for at least two years (49 C.F.R. Part 1152, Subpart F), enclosed are an original and 11 copies of a verified abandonment notice of exemption for the abandonment of a rail line owned by Norfolk Southern Railway Company.

A check in the amount of \$3,600.00 is enclosed to cover the applicable filing fee.

Please acknowledge receipt and filing of this notice of exemption by date stamping the enclosed eleventh copy and returning it to the courier to return to me.

FILED

AUG 22 2012

**SURFACE
TRANSPORTATION BOARD**

Sincerely,

R. A. Wimbish
Robert A. Wimbish
Attorney for Norfolk Southern
Railway Company

ENTERED
Office of Proceedings
AUG 22 2012
Part of
Public Record

Enclosures

cc: Maquiling Parkerson, Marc Kirchner, Kearston Comegys

232827

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 338X)

**NORFOLK SOUTHERN RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN AURORA, BEAUFORT COUNTY, NORTH CAROLINA**

EXEMPTION NOTICE

FILE RECEIVED
AUG 22 2012
SURFACE
TRANSPORTATION BOARD

FILED
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TRANSPORTATION BOARD

ENTERED
Office of Proceedings
AUG 22 2012
Part of
Public Record

**Robert A. Wimbish
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7824
Fax: (202) 663-7849**

**Attorney for Norfolk Southern
Railway Company**

August 22, 2012

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 338X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN AURORA, BEAUFORT COUNTY, NORTH CAROLINA**

EXEMPTION NOTICE

Norfolk Southern Railway Company (“NSR”) hereby submits the following notice of exemption pursuant to 49 C.F.R. Part 1152, Subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights), to abandon approximately 0.76 miles of rail line (hereinafter, the “Line”) located in Aurora, Beaufort County, North Carolina. The Line extends from milepost WL 25.94 (at the Line’s crossing of Highway 306) to milepost WL 26.70. In accordance with the requirements of 49 C.F.R. §§ 1152.50(b) and (d), NSR provides the following information in support of its abandonment notice:

Certification: 49 C.F.R. § 1152.50(b)

NSR certifies that the Line satisfies the criteria for abandonment under the exemption provisions at 49 C.F.R. Part 1152, Subpart F. See Certification of G. R. Comstock, General Manager Eastern Region of Norfolk Southern Railway Company, attached hereto as Exhibit A. During the past two years, there has been no local common carrier service provided over the Line, nor have there been any requests for common carrier service during that period.

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

The abandonment will be consummated on or after October 11, 2012 (50 days after filing the notice of exemption).

Additional Information Required: 49 C.F.R. §§ 1152.22(a)(1)-(4), (7)-(8) and (e)(4)

Exact name of applicant (49 C.F.R. § 1152.22(a)(1)):

Norfolk Southern Railway Company

Whether applicant is a common carrier by railroad (49 C.F.R. § 1152.22(a)(2)):

NSR is a Class I common carrier by railroad subject to the Board's jurisdiction under 49 U.S.C. Subtitle IV.

Relief sought (49 C.F.R. § 1152.22(a)(3)):

NSR seeks to abandon approximately 0.76 miles of rail line located in Aurora, Beaufort County, North Carolina. The Line extends from milepost WL 25.94 (at the Line's crossing of Highway 306) to milepost WL 26.70.

Map (49 C.F.R. § 1152.22(a)(4)):

A detailed map showing the location of the Line is attached hereto as Exhibit B.

Applicant's representative (49 C.F.R. § 1152.22(a)(7)):

NSR's representative to whom correspondence regarding this abandonment should be sent is as follows:

Robert A. Wimbish
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW, Suite 300
Washington, DC 20037
Tel: (202) 663-7824
Fax: (202) 663-7849

USPS ZIP codes (49 C.F.R. § 1152.22(a)(8)):

The Line lies within the following U.S. Postal Service ZIP Codes territory: 27806.

Suitability of the Line for Other Public Purposes (49 C.F.R. § 1152.22(e)(4)):

NSR does not own the right-of-way underlying the line proposed for abandonment. Rather, the land is owned by PCS Phosphate ("PCS"), which supplied NSR with sufficient rights to construct the Line and to provide rail service to shippers such as PCS. As such, NSR will not have a contiguous corridor available for public use. Moreover, NSR has undertaken the subject abandonment at the behest of PCS, which plans to use the land underlying the Line for other purposes. Accordingly, NSR believes that the subject right-of-way would be ill-suited for alternative public uses. The land surrounding the Line is used for industrial purposes tied to PCS operations, and so PCS' plans to convert the right-of-way for similar such purposes appears to be consistent with, and would promote, local land use plans. The Line does not contain federally-granted right-of-way. As appropriate, NSR is willing promptly to make available any information in its possession to anyone so requesting it.

Labor Protection

Since the Line has been out of service for over two years, NSR believes no employees will be adversely affected by exercise of abandonment authority. However, as a condition to exercise of the authority permitted in this matter, NSR will accept the imposition of standard labor protective conditions as set forth in Oregon Short Line R. Co – Abandonment – Goshen, 360 I.C.C. 91 (1979).

Certifications

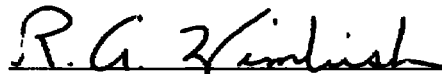
Attached hereto as Exhibit C are Certificates of Service and Publication certifying that NSR has complied with the advance notice and newspaper publication requirements set forth at 49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.12, respectively. Attached as Exhibit D is a

certification of compliance with the advance notice requirements for Environmental and Historic Reports as set forth at 49 C.F.R. § 1105.11.

Environmental and Historic Report

As is reflected in its certification of compliance with the provisions of 49 C.F.R. § 1105.11 (Exhibit D), NSR has prepared a consolidated Environmental and Historic Report ("E&HR") conforming to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8. A copy of that E&HR was previously served upon the Board's Office of Environmental Analysis, but it is also attached hereto as Attachment 1 to Exhibit D (NSR's § 1105.11 certification).

Respectfully submitted,



Robert A. Wimbish
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7824
Fax: (202) 663-7849

Attorney for Norfolk Southern Railway Company

August 22, 2012

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 338X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN AURORA, BEAUFORT COUNTY, NORTH CAROLINA**

EXEMPTION NOTICE

VERIFICATION

Verification

I, John Friedmann, Vice President for Norfolk Southern Railway Company ("NSR"), hereby verify under penalty of perjury that to the best of my knowledge the foregoing abandonment notice of exemption is true and correct. Further, I certify that I am qualified and authorized to make such verification on behalf of NSR in connection with this proceeding before the Surface Transportation Board.

Executed this 6th day of August, 2012.

A handwritten signature in black ink, appearing to read 'John H. Friedmann', is written over a horizontal line.

John H. Friedmann
Vice President

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 338X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN AURORA, BEAUFORT COUNTY, NORTH CAROLINA**

EXEMPTION NOTICE

EXHIBIT A

CERTIFICATION

CERTIFICATION

STATE OF GEORGIA:

ss:

CITY OF ATLANTA:

G. R. Comstock makes oath and says that he is General Manager Eastern Region for Norfolk Southern Railway Company; that the line between milepost WL-25.94 and milepost WL-26.70 in Beaufort County, North Carolina, over which service is to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.


G. R. Comstock

Subscribed and sworn to before me
this 24th day of July, 2012.


Notary Public

My commission expires:

4/20/15

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 338X)

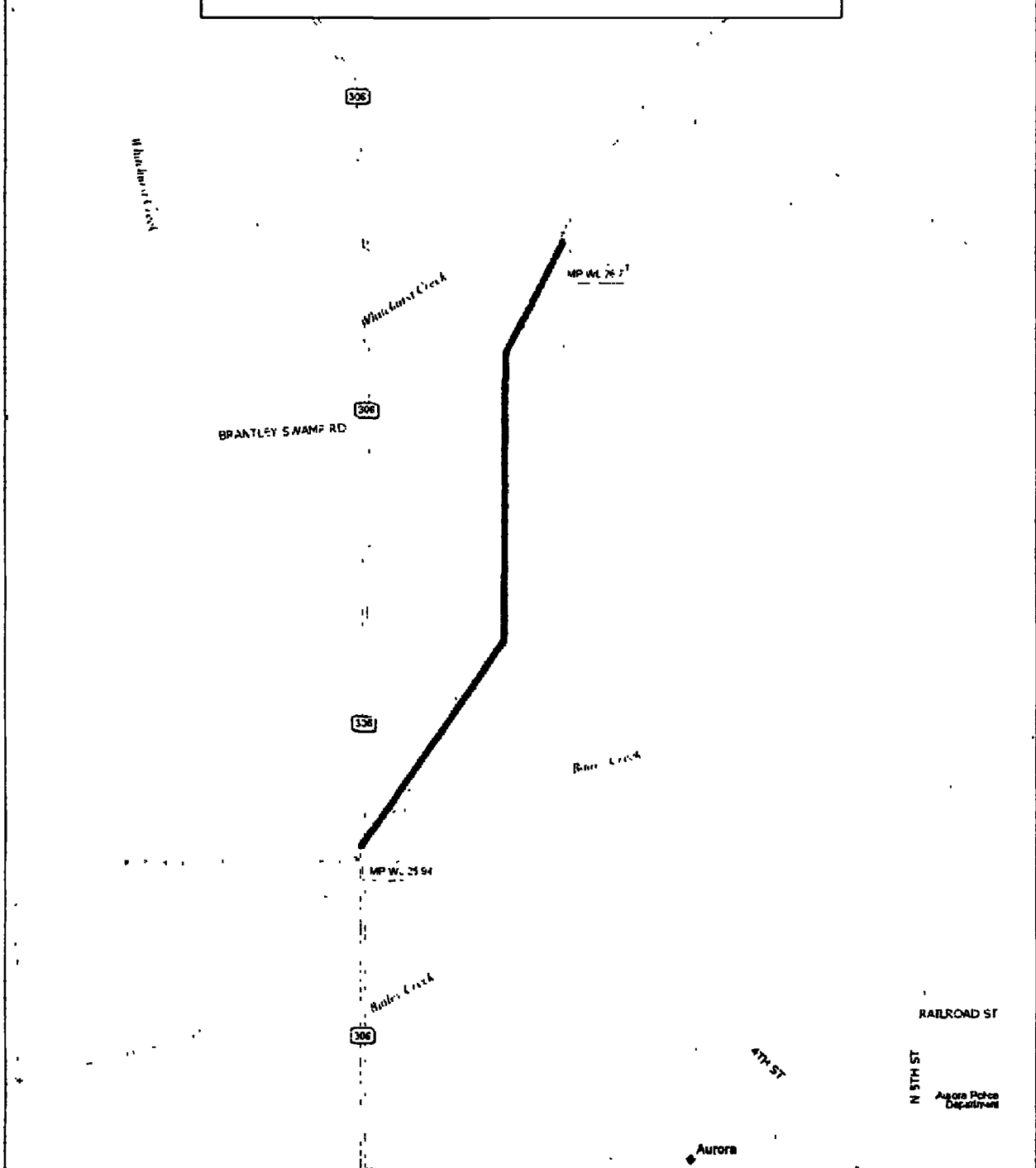
**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN AURORA, BEAUFORT COUNTY, NORTH CAROLINA**

EXEMPTION NOTICE

EXHIBIT B

MAP

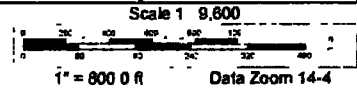
Proposed Abandonment
Milepost WL 25.94 - Milepost WL 26.7
Aurora, NC
Docket No: AB 290 (Sub No 338X)



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www.delorme.com



Aurora Police Department

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 338X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN AURORA, BEAUFORT COUNTY, NORTH CAROLINA**

EXEMPTION NOTICE

EXHIBIT C

**CERTIFICATIONS OF
SERVICE/PUBLICATION**

Certificate of Service of Advance Notice

49 C.F.R. § 1152.50(d)(1) – Notice

I certify that, on August 9, 2012, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with the written notice of intent of Norfolk Southern Railway Company to use the Board's notice of exemption procedures to abandon approximately 0.76 miles of rail line located in Aurora, Beaufort County, North Carolina:

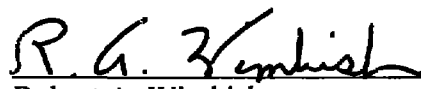
Edward S. Finley, Jr., Chairman
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-4325

David Dorfman
SDDC TEA
Railroads for National Defense
709 Ward Dr., Bldg. 1990
Scott AFB, IL 62225
(618) 220-5741
S/W Bob Korpanty to verify contact.

Charlie Stockman
National Park Service
Rivers & Trails Conservation Program
1201 Eye Street, NW, 9th Floor (Org. Code 2220)
Washington, D.C. 20005
(202) 354-6900

Thomas L. Tidwell, Chief
Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024
(202) 205-8439
S/W Sandy Berg, Office Manager

August 22, 2012

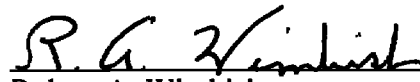

Robert A. Wimbish
Attorney for Norfolk Southern
Railway Company

Certificate of Newspaper Publication

49 C.F.R. § 1105.12 – Newspaper Notice

I certify that a "Notice of Intent to Abandon" was published in the form prescribed by the Board for a Notice of Exemption (49 C.F.R. § 1105.12). The notice was published one time in The County Compass (August 9, 2012), a newspaper of general circulation in Beaufort County, North Carolina.

August 22, 2012


Robert A. Wimbish
Attorney for Norfolk Southern
Railway Company

AFFIDAVIT

North Carolina

County of Beaufort + PamlicoJeff Aydelette, appearing before the undersigned
Name of principal

notary and being duly sworn, says that:

The County Compass is a general circulation newspaper for The Town of Aurora and all of Beaufort County in North Carolina. The County Compass published a Public Notice in our August 9, 2012, issue titled "Notice of Intent to Abandon Rail Service" STB Docket No. AB-290 (Sub-No. 338X). Please see attachment. Questions, please call Jeff Aydelette, Publisher of The County Compass at (252) 745-3155

Principal's Signature
Jeff Aydelette 8/22/2012

Sworn to (or affirmed) and subscribed before me this the _____ day of _____,

20__.

(Official Seal)

Official Signature of Notary

_____, Notary Public
Notary's printed or typed name

My commission expires: _____

Classified Points

25

Week of August 9 - 15, 2012

www.CompassNews360.com

RENTALS (Continued)

SCOTT TOWN AREA - Large, vacant building measures 40 feet wide by 100 feet long. Free and of purchase. This structure ideal for many types of businesses, large workshop, etc. Would consider buying or selling. Please call Almo at 745-6400.

ORIENTAL - Ideal waterfront home in a great neighborhood. Small price OK Rent \$7,500 per month with one-year lease To see this home, please call Tish at (252) 671-1074

ORIENTAL - Three-bedroom, two bath waterfront house for rent on South Creek directly across from the Oriental Harbour and surrounded by local's Cove Road. This house is newly ranch and renovated. New appliances, new kitchen cabinets, new wood laminate floors, and concrete dock. House is unfurnished with a two car garage. \$1200 per month. Please call 249-7299.

ARAPACOE - 15th Head's Creek Drive. Three Bedroom, two bath with two-car garage, washer/dryer, refrigerator, stove, dishwasher, central HVAC. Private lot. \$725 per month plus deposit. References and background check required. Please call (252) 749-1617. Available August 10th



TIDEWATER REAL ESTATE has furnished and unfurnished rentals available immediately. Please call us today.

- ORIENTAL** - Fully furnished efficiency in the town of Oriental. Amenities include cable, Wi-Fi, electric, and lawn service. \$600/month
- FURNISHED BR/2BA** home on Straight Rd near Hwy 55. Available Sept 1st. \$900/mo
- ORIENTAL in the Village** - BR/2BA A home come true! Situated by mature trees, this home features a huge country kitchen, a massive hearth in the vaulted living room and a sunny Clean-line Room. Den-study could be used as a fourth bedroom. \$900
- ORIENTAL VILLAGE COMMONS** - Large and new townhouse with your own private elevator! 1 BR and 3.5 bathrooms. Open Kitchen/dining/living space creates a great family living experience. \$950/mo., 6 month lease.
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- BUCCANEER BAY WEST, ORIENTAL** - BR/2BA waterfront home on post off Ocean and Kershaw roads. Beautiful wood floors, water view from all back windows, including the master bedroom. Great complimentary! Moving from your dock. \$975
- ORIENTAL HARBOR PLACE 2BR PBA** - This condo has hardwood flooring, tiled bath flooring, solid-surface kitchen counters

w/ stainless appliances, balcony & Wi-Fi. Swimming pool! Nearby marina! Fully furnished \$1100/month.

BUCCANEER BAY WEST - Beautiful home fully furnished just outside of Oriental. Each bedroom with its own private bath. Large screened porch. Water Access. BR/3.5BA \$1300

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MOLD IN YOUR HOME? North Carolina Microbiology Laboratory offers mold inspections, analysis, and prevention services for homeowners in the greater New Bern area. Our mobile laboratory can analyze samples on site and give you results in minutes. Call our laboratory today to send samples of mold to our appointment, (252) 648-8844, www.norlab.com

HURRICANE - JACK'S NAUTICAL CONSIGNMENT - You can buy us from Hwy. 17 in the depot on Pine Street near the marina. We are seeking customers from up and down the East Coast. Please stop with us for great deals, or leave your items with us and we'll sell them for you. Hours are 10 to 5:30 Tuesday thru Friday. For more information, please call Ed Hays at (252) 614-2610.

LITTLE GREG'S YARD SERVICE - Much, much more than just mowing. General clean-up, complete landscaping, shrub trimming, and yard maintenance. I am a hard-working young man, well known in the community. And, fortunately, I come from a great family atmosphere. Please call me anytime at (252) 671-3455

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GUEST SPEAKER - Professional will address your club, civic group, or social gathering at no charge. I frequently speak to address about the importance of planning. I give new lectures, educational workshops, and Q&A style talks regarding retirement, estates, long term care, and Medicare issues. I do this for free, as a way to give back to the community. Call to schedule, 252-828-1815.

STUMP GRINDING / SMALL TRACTOR WORK - I am a 20 year Farmington resident with 20 years of experience in stump grinding and tractor work. Small jobs my specialty. Semi-retired, free estimates. Call Doug at (252) 671-1004

PONCE HAN MOWING SERVICE - I have all the equipment necessary to beautify your yard. Call anytime. Reasonable Rates. Ponce Han 249-1050 or 671-8934

YARD SALE

YARD SALE in Minnetonka Beach, this Saturday, Aug 11, from 7 a.m. until 11 a.m. Many items at great prices. All proceeds benefit MS. Head south on Hwy. 308 and turn right onto Bennett Road - this is where the Waymark Crown sign is located. From Bennett Road, take your first left and look for the sign.

FLEA MARKET

OLD TATER BARN - We buy, sell, and trade. You'll know us when you see us on Hwy. 55 near Oriental. And, we are ready to make you a deal! Now open seven days a week. You'll have fun here and you'll definitely spot something you can use at a price you can afford. Call 249-0726.

Public Notice

NOTICE OF INTENT TO ABANDON RAIL SERVICE STB Docket No. AB-290 (Sub-No. 338X)

Norfolk Southern Railway Company ("NSR") gives notice that on or about August 22, 2012, it intends to file with the Surface Transportation Board, Washington, DC 20423, a Notice of Exemption pursuant to 49 C.F.R. Part 1152 Subpart F - Exempt Abandonments, permitting NSR to abandon approximately 0.76 miles of rail line (hereinafter, the "Line") located in Aurora, Beaufort County, North Carolina. The Line extends from milepost WL 25.94 (at the Line's crossing of Highway 306) to milepost WL 26.70. The Line traverses United States Postal Zip Code territory 27816. The proceeding will be docketed as STB Docket No. AB-290 (Sub-No. 338X).

The proposed action entails the abandonment of, and discontinuance of rail service over, the Line. The Board's Office of Environmental Analysis (OEA) generally will prepare an Environmental Assessment (EA), which normally will be available 25 days after the filing of the abandonment notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public. Such comments will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, 395 E Street, SW, Washington, D.C. 20423, or by calling that office at (202) 245-0285.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board, however, NSR has indicated in materials preparatory to the RTH's issuance of an EA that the railroad is unwilling to negotiate trails use in this proceeding. Also, because this abandonment proceeding has been initiated at the request of the line rail shipper that previously made use of the line (and which holds title to the land comprising the Line's right of way), PCS Phosphate, Inc., NSR believes that offers of financial assistance would be contrary to shipper interest and, accordingly, would be inappropriate. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423 [See 49 C.F.R. §§ 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR § 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use, to the extent applicable in this case, may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0290. Copies of any comments or requests for specific Board action should be served on the applicant's representative, Robert A. Wimbish, BAKER & MILLER PLLC, 2401 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20037; phone: 202-663-7824; fax 202-663-7849

COLDWELL BANKER

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Only \$269,900

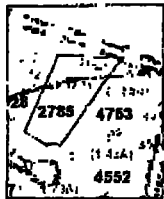
Diane Edwards, REALTOR, Broker
CSSS, GREEN, SRS

252-945-0981 Cell

dianeedwards@coldwellbanker.com

www.NorthCarolinaCoastalWaterfront.com

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\$110,000



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Sunroom & Workshop
\$129,900

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 338X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN AURORA, BEAUFORT COUNTY, NORTH CAROLINA**

EXEMPTION NOTICE

EXHIBIT D

**CERTIFICATION OF COMPLIANCE
WITH ENVIRONMENTAL AND
HISTORIC REPORT REQUIREMENTS**

Certificate of Service

Pursuant to the requirements of 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-290 (Sub-No. 338X) was mailed via first class mail on August 2, 2012 to the following parties:

North Carolina Department of Environment and Natural Resources
217 West Jones Street
Raleigh, NC 27699

Heinz Mueller
Regional EPA – Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street SW
Atlanta, GA 30303 – 8960

Braxton Davis
North Carolina Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557

J. B. Martin, State Conservationist
USDA Natural Resources Conservation Service
4407 Bland Rd., Suite 117
Raleigh, NC 27609

Fish and Wildlife Services
Region 4
Century center
1875 Century Boulevard
Atlanta, GA 30345

USACE
Regulatory Division
69 Darlington Avenue
Wilmington, NC 23403

Cliff Williams, Mayor
Town of Aurora, North Carolina
295 Main Street
Aurora, NC 27806

Jerry Langley, Chairman
Beaufort County
121 W. 3rd St.
Washington, NC 27889

State Environmental Review Clearinghouse
1301 Mail Service Center
Raleigh, North Carolina 27699

Dr. Jeffrey Crow
North Carolina State Historic Preservation Office
4610 Mail Service Center
Raleigh, NC 27699

David Vela, Regional Director
National Park Service
Southeast Region
100 Alabama Street, SW
Atlanta, GA 30303

Charlie Stockman
National Park Service
Rivers and Trails Conservation Program
1201 Eye Street, NW 9th floor
Washington D.C. 20005

National Geodetic Survey
Geodetic Service Division
Room 9202 NGS/12
1315 East-West Hwy
Silver spring, MD 20910-3282

USEPA
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, D.C. 20004



Marcellus C. Kirchner
August 2, 2012

ATTACHMENT 1
ENVIRONMENTAL AND HISTORIC REPORT
INCLUDING SAMPLE TRANSMITTAL LETTER



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9202

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207
(757) 629-2803

August 2, 2012

RE: STB Docket No. AB-290 (Sub-No. 338X), Norfolk Southern Railway Company -
Abandonment – in Aurora, Beaufort County, North Carolina

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon 0.76 miles of rail line between Milepost WL 25.94 and Milepost WL 26.70 in Beaufort County, North Carolina.

Enclosed is a Combined Environmental and Historic Report (Report) which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in Appendix A of this report. Appendix B of this report lists the various agencies receiving it.

The railroad does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in the Report and sent to the Surface Transportation Board (STB)

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 245-0295 or by mail to:

Surface Transportation Board,
395 E Street, S.W., Room 1106
Washington DC 20423-0001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, we must receive your comments within three weeks. Please provide information to Kearston Comegys by email at Kearston.Comegys@nscorp.com, or by mail to:

Kearston Comegys
Coordinator-Abandonment
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

Sincerely,

A handwritten signature in black ink, appearing to read 'Marcellus C. Kirchner', with a stylized, flowing script.

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. AB-290 (Sub-No. 338X)

NORFOLK SOUTHERN RAILWAY COMPANY

PROPOSED RAIL LINE ABANDONMENT

**BETWEEN MILEPOST WL 25.94 and MILEPOST WL 26.70
IN AURORA, BEAUFORT COUNTY, NORTH CAROLINA**

Combined Environmental and Historic Report

August 2, 2012

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IN AURORA, BEAUFORT COUNTY, NORTH CAROLINA**

Combined Environmental and Historic Report

Norfolk Southern Railway Company (NSR) submits this Combined Environmental and Historic Report ("EHR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment of 0.76 miles of rail line between Milepost WL 25.94 and Milepost WL 26.70 in Beaufort County, North Carolina.

ENVIRONMENTAL REPORT

49 CFR 1105.7(e)(1) Proposed Action and Alternatives.

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

RESPONSE: Norfolk Southern Railway Company (NSR) proposes to abandon 0.76 miles of rail line between Milepost WL 25.94 and Milepost WL 26.70 in Beaufort County, North Carolina. There are no customers served on the line segment. The subject track abuts a former segment of track to the north and east of the line that was retired several years ago.

Following the abandonment the line segment will be salvaged. Salvage operations will consist of removing the track structure from the existing roadbed. The contours of the existing roadbed will remain as is and existing drainage systems will remain intact. When the track structure is removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed. No digging or burying of any kind is permitted. All track material is removed and steel is either reused or sold as scrap. Crossties may be reused in other railroad operations or disposed of in accordance with applicable federal and state laws and regulations.

The alternative to abandonment is to not abandon the line and retain the track in place. This alternative is not satisfactory. NSR would incur opportunity and other holding costs that would need to be covered by other customers were this line segment to be retained.

A map delineating the line proposed for abandonment is attached as **Appendix A**. The railroad's letter to federal, state and local government agencies is attached as **Appendix B**. Responses to the letter or other comments received as a result of consultations can be found in **Appendix C**.

49 CFR 1105.7(e)(2) Transportation system.

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

RESPONSE: Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. There is no rail freight or passenger traffic remaining on the line segment proposed for abandonment.

49 CFR 1105.7(e)(3) Land use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

RESPONSE: An outline of future land use plans was requested from the Town of Aurora and the Beaufort County Chairman. These agencies were also asked to comment on the consistency of the proposed abandonment with existing land use plans.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

RESPONSE: Consultation was requested from The United States Department of Agriculture, Natural Resources Conservation Service. A copy of their response is

attached in **Appendix C** and states that no farmland will be affected or converted in the proposed area.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.

RESPONSE: Consultation was requested from the North Carolina Department of Environmental Protections – Division of Coastal Management. Coastal Management advised that this project does not appear to have affects on any coastal use or coastal resource. A copy of their response is attached in **Appendix C**.

(iv) If the proposed action is an abandonment state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

RESPONSE: NSR believes that the underlying right-of-way is not well-suited for alternative public use, and NSR is unaware of any such plans for the underlying right-of-way. In any event, NSR does not hold fee title to the underlying right-of-way, and therefore cannot convey a contiguous corridor for public use. The abandonment is occasioned by the underlying property owner's desire to convert the subject land for private purposes. Under these circumstances, NSR is not willing to consider trail use for this segment.

49 CFR 1105.7(e)(4) Energy.

(i) Describe the effect of the proposed action on transportation of energy resources.

RESPONSE: Development and transportation of energy resources will not be affected by the abandonment as no freight or passenger traffic is moving over the line, and the line did not carry any energy resources when it was last in operation.

(ii) Describe the effect of the proposed action on recyclable commodities.

RESPONSE: Movement or recovery of recyclable commodities will not be affected by the abandonment as no freight or passenger traffic is moving over the line, and the line did not carry such commodities when it was last in operation.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

RESPONSE: The proposed action will not result in an increase or decrease in overall energy efficiency as no freight or passenger traffic has moved over the line for several years.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year; or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

RESPONSE: No traffic will be diverted from rail to motor carriage as a result of the proposed action.

49 CFR 1105.7(e)(5) Air.

(i) If the proposed action will result in either:

(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or

(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

RESPONSE: The above thresholds will not be exceeded.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,

(B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or

(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

RESPONSE: The above thresholds will not be exceeded. Beaufort County, North Carolina is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the U.S. Environmental Protection Agency, with the exception of 1-hr. ozone, 8-hr. ozone and particulate matter.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

RESPONSE: Not applicable.

49 CFR 1105.7(e)(6) Noise.

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more; or

(ii) An increase to a noise level of 65 decibels Ldn or greater.

If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

RESPONSE: The above thresholds will not be exceeded.

49 CFR 1105.7(e)(7) Safety.

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

RESPONSE: Abandonment of the captioned rail line will permit closing of the at-grade crossing at State Road 1940/Highway 306, which will enhance public safety by eliminating distractions to vehicular traffic crossing the line.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

RESPONSE: Not applicable.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

RESPONSE: The railroad has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right of way or in adjacent areas.

49 CFR 1105.7(e)(8) Biological Resources.

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

RESPONSE: NSR does not believe that any federally listed endangered species or their habitats will be adversely affected by the abandonment. A consultation was requested from the U.S. Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

RESPONSE: Based on the site investigation, the line segment proposed for abandonment does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, National Parks or Forests, or State Parks or Forests are anticipated.

49 CFR 1105.7(e)(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

RESPONSE: There are no plans to remove or alter the contour of the roadbed underlying the rail line to be abandoned. This line segment crosses no waterways. Since there are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, water quality impacts are not expected in connection with the proposed action. Consultation was requested from the North Carolina Department of Environment and Natural Resources and from the United States Environmental Protection Agency. The North Carolina Department of Environment and Natural Resources stated it does appear there will be any impacts to jurisdictional resources, which would preclude the need for a DWQ permit. Their response is attached in **Appendix C**.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

RESPONSE: This line segment crosses no waterways. The geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consequently, the railroad does not believe a Section 404 permit will be required in connection with the proposed abandonment. Consultation was requested from the US Army Corps of Engineers.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

RESPONSE: This line segment crosses no waterways. There are no intentions to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work or to dredge or use any fill materials. There should be no significant effects to water quality or the need to acquire a Section 402 permit under the Federal Water Pollution Control Act; however, consultation was requested from the North Carolina Department of Environmental Protection and from the United States Environmental Protection Agency (EPA). Their responses are attached in **Appendix C**. The EPA advised that it could not definitively determine whether a Section 402 permit was required.

49 CFR 1105.7(e)(10) Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

RESPONSE: Abandonment of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical activity may occur, such as removal of rail, ties, and other railroad appurtenances. The railroad will undertake all reasonable mitigation associated with these activities to assure the abandonment does not produce adverse environmental impacts.

HISTORIC REPORT

49 CFR 1105.8(d)

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (NSR) proposes to abandon 0.76 miles of rail line between railroad milepost WL 25.94 at highway 306 (SR 1940) and railroad milepost WL 26.70 in Beaufort County, North Carolina. There are no customers served on the line segment. The subject track abuts a former segment of track to the north and east of the line that was retired several years ago.

Following abandonment the line segment will be salvaged. Salvage operations will consist of removing the remaining rail and track materials from the existing roadbed. The contours of the existing roadbed will remain as is and existing drainage systems will remain intact. When the track structure is removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed. No digging or burying of any kind is permitted. All track material is removed and steel is either reused or sold as scrap. Crossties may be reused in other railroad operations or disposed of in accordance with applicable federal and state laws and regulations.

The alternative to abandonment is to not abandon the line and retain the track in place. This alternative is not satisfactory. NSR would incur opportunity and other holding costs that would need to be covered by other customers were this line segment

to be retained.

A map delineating the line proposed for abandonment is attached in **Appendix**

A.

ADDITIONAL INFORMATION

(1) **U.S.G.S. Topographic Map** -- A map was furnished to the North Carolina State Historic Preservation Office.

(2) **Written Description of Right of Way** -- The right-of-way width is 60 feet from WL-25.94 to WL-26.70. The line passes through a rural area. Pursuant to Surface Transportation Board (STB) policy, the railroad right-of-way will constitute the Area of Potential Effect (APE) for this undertaking.

(3) **Photographs** -- The line is less than fifty years old and thus cannot meet the criteria for listing in the *National Register of Historic Places*. Moreover, there are no structures on the segment which is the subject of this abandonment.

(4) **Date of Construction of Structures** -- The line is less than fifty years old and thus cannot meet the criteria for listing in the *National Register of Historic Places*. Moreover, there are no structures on the segment which is the subject of this abandonment.

(5) **History of Operations and Changes Contemplated** - The 0.76-mile Norfolk Southern Railway Company line between Milepost WL 25.94 and Milepost WL 26.70 near Aurora, NC in Beaufort County, NC that is the subject of the abandonment action

to which this report is related was built in the mid 1960's by the old Norfolk Southern Railway Company. That predecessor company of the current Norfolk Southern Railway Company was a small rail carrier operating in Virginia and North Carolina, which through a succession of mergers and consolidations became part of the current, much larger Norfolk Southern Railway Company. Because of the modern construction of the line, Norfolk Southern Railway Company considers the line ineligible for listing on the National Register of Historic Places.

In a decision, certificate and order dated February 19, 1965, in *Norfolk S. Ry. Co. Construction and Operation*, 324 ICC 371 (1965), Division 3 of the Interstate Commerce Commission authorized construction and operation by the (old) Norfolk Southern Railway Company of a line of railroad extending between Chocowinity and Lee Creek, NC which would enable the railroad to provide direct service to the site of an extensive phosphate producing site near Lee Creek, NC. North Carolina Phosphate Corporation and Texas Gulf Sulphur Company originated the mining and processing operations near Lee Creek. Currently, the property is owned and operated by PCS Phosphate Company, Inc. (PCS).

Southern Railway Company acquired Norfolk Southern Railway Company on January 1, 1974 pursuant to Interstate Commerce Commission authorization. Seaboard Coast Line Railroad Company, a principal predecessor company of CSX Transportation, Inc., was admitted to serve PCS' predecessor's facilities along the Aurora –Lee Creek, NC line via trackage rights as a result of a settlement agreement in that acquisition transaction.

Southern Railway Company was incorporated in 1894. Norfolk Southern Corporation acquired control of Southern Railway Company along with Norfolk and Western in June 1, 1982. In December 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company and Norfolk and Western Railway Company became a wholly owned subsidiary of Norfolk Southern Railway Company.

The WL line beyond Highway 306 (SR 1940) at milepost 26.94 was built on an easement granted by predecessors of PCS to the old Norfolk Southern Railway Company. In order to facilitate phosphate mining in the area where the track was situated, a new, replacement track was built in 2006-2007 on a different alignment to provide continued access to the PCS facility at Lee Creek. The new track sprang from the WL line at milepost WL 24.9 and was situated on a route more southerly than that of the old alignment. Operations by NSR and trackage rights tenant CSXT commenced over the new track in 2007. Approximately five miles of the old track were then retired and removed from a point beginning with the bridge over Whitehurst Creek at milepost WL 26.70. NSR continued to operate the resulting stub end track extending between mileposts WL 24.9 and 26.70. The portion of that track which is the subject of this report is not required to serve any customers.

(6) Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic - Not applicable.

(7) Opinion Regarding Criteria For Listing In The National Register Of Historic Places – NSR believes that the line cannot meet the criteria for listing in the *National Register of Historic Places* as it was built in the late 1960's and thus is less than fifty

years old. In addition, NSR has no reason to believe that there are archaeological resources or historic properties on or immediately adjacent to the line.

(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery

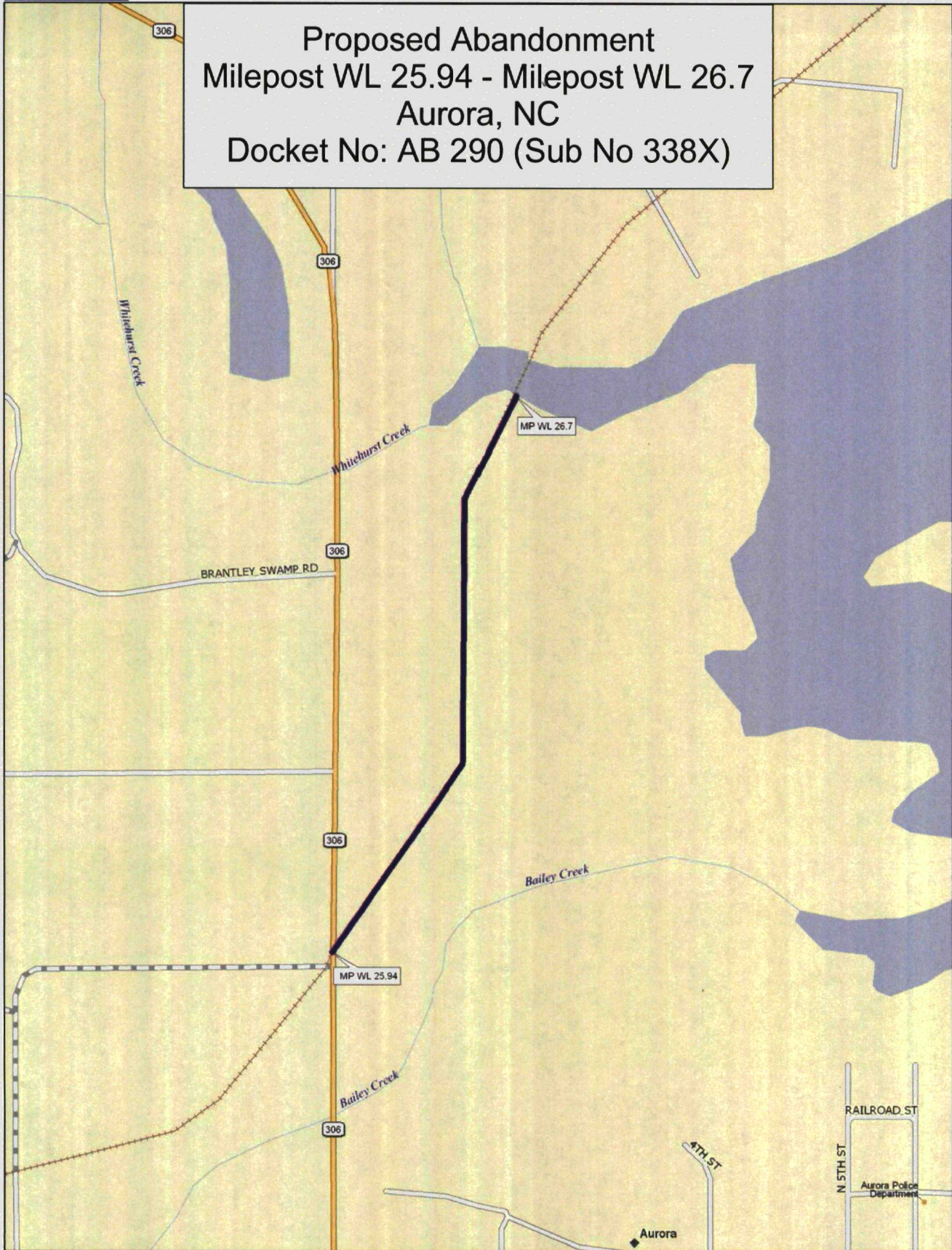
The railroad is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way was initially disturbed in the construction of the railroad line by grading and filling. Abandonment and salvage of the line will not result in activities below the surface, or below the level of initial disturbance.

(9) Follow-Up Information - Additional information will be provided as appropriate.

APPENDIX A

Site Map

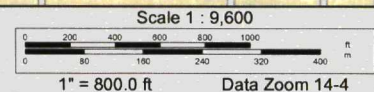
Proposed Abandonment
Milepost WL 25.94 - Milepost WL 26.7
Aurora, NC
Docket No: AB 290 (Sub No 338X)



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APPENDIX B

Agency Letters

RECIPIENT LIST

Proposed Rail Line Abandonment of the segment of rail line between Milepost WL 25.94 and Milepost WL 26.70, a distance of 0.76 miles, located in Aurora, Beaufort County, North Carolina.

North Carolina Department of Environment and Natural Resources
217 West Jones Street
Raleigh, NC 27699

Heinz Mueller
Regional EPA – Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street SW
Atlanta, GA 30303 – 8960

Braxton Davis
North Carolina Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557

J. B. Martin, State Conservationist
USDA Natural Resources Conservation Service
4407 Bland Rd., Suite 117
Raleigh, NC 27609

Fish and Wildlife Services
Region 4
Century center
1875 Century Boulevard
Atlanta, GA 30345

USACE
Regulatory Division
69 Darlington Avenue
Wilmington, NC 23403

Cliff Williams, Mayor
Town of Aurora, North Carolina
295 Main Street
Aurora, NC 27806

Jerry Langley, Chairman
Beaufort County
121 W. 3rd St.
Washington, NC 27889

State Environmental Review Clearinghouse
1301 Mail Service Center
Raleigh, North Carolina 27699

Dr. Jeffrey Crow
North Carolina State Historic Preservation Office
4610 Mail Service Center
Raleigh, NC 27699

David Vela, Regional Director
National Park Service
Southeast Region
100 Alabama Street, SW
Atlanta, GA 30303

Charlie Stockman
National Park Service
Rivers and Trails Conservation Program
1201 Eye Street, NW 9th floor
Washington D.C. 20005

National Geodetic Survey
Geodetic Service Division
Room 9202 NGS/12
1315 East-West Hwy
Silver spring, MD 20910-3282

USEPA
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, D.C. 20004

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207
(757) 629-2803

August 2, 2012

RE: STB Docket No. AB-290 (Sub-No. 338X), Norfolk Southern Railway Company -
Abandonment – in Aurora, Beaufort County, North Carolina

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon 0.76 miles of rail line between Milepost WL 25.94 and Milepost WL 26.70 in Beaufort County, North Carolina.

Enclosed is a Combined Environmental and Historic Report (Report) which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in Appendix A of this report. Appendix B of this report lists the various agencies receiving it.

The railroad does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in the Report and sent to the Surface Transportation Board (STB).

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 245-0295 or by mail to:

Surface Transportation Board,
395 E Street, S.W., Room 1106
Washington DC 20423-0001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, we must receive your comments within three weeks. Please provide information to Kearston Comegys by email at Kearston.Comegys@nscorp.com, or by mail to:

**Kearston Comegys
Coordinator-Abandonment
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510**

Sincerely,

**Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company**

APPENDIX C

Agency Responses

United States Department of Agriculture



Natural Resources Conservation Service
4407 Bland Road, Suite 117
Raleigh, North Carolina 27609

Milton Cortes, Assistant State Soil Scientist
Phone: (919) 873-2171
Fax: (919) 873-2157
E-mail milton.cortes@nc.usda.gov

May 17, 2012

Marcellus C. Kirchner
Director Strategic Planning
NS Corporation
3 Commercial Place
Norfolk, VA 23510

Dear Mr. Kirchner:

The following information is in response to your request asking for information on farmlands in the Docket No AB-290 (Sub-No. 338X), Norfolk Southern Railway Company – Abandonment – in Beaufort County, NC Project.

Projects are subject to Farmland Protection Policy Act (FPPA) requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency.

For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built-up land.

Farmland means prime or unique farmlands as defined in section 1540(c)(1) of the Act or farmland that is determined by the appropriate state or unit of local government agency or agencies with concurrence of the Secretary to be farmland of statewide or local importance.

"Farmland" does not include land already in or committed to urban development or water storage. Farmland "already in" urban development or water storage includes all such land with a density of 30 structures per 40-acre area. Farmland already in urban development also includes lands identified as "urbanized area" (UA) on the Census Bureau Map, or as urban area mapped with a "tint overprint" on the USGS topographical maps, or as "urban-built-up" on the USDA Important Farmland Maps. See over for more information.

The area in question meets one or more of the above criteria for Non-Farmland. No farmland area will be affected or converted. You will not need to complete a Farmland Conversion Impact Rating form (AD1006 / CPA-106), according to the Code of Federal Regulation 7CFR 658, Farmland Protection Policy Act.

If you have any questions, please contact me at number above.

Sincerely,

A handwritten signature in black ink, appearing to read "Milton Cortes".

Milton Cortes
Assistant State Soil Scientist

Helping People Help the Land

An Equal Opportunity Provider and Employer

Comegys, Kearston

From: Ward, Garcy [garcy.ward@ncdenr.gov]
Sent: Thursday, June 21, 2012 9:01 AM
To: Hardison, Lyn; Comegys, Kearston
Subject: RE: Norfolk Southerm Railway removal

Based on the information provided, it doesn't appear there will be any impacts to jurisdictional resources which would preclude the need for a DWQ permit. However, the need for a 401 Water Quality Certification is dependent upon whether the Army Corps of Engineers issues a 404 permit and I don't want to speak for the Corps. I did notice that there were some blue-line streams depicted on the map. If there are any impacts to the riparian buffers, including clearing, a Buffer Authorization may be needed. Let me know if you have any questions.

Thanks,
Garcy

From: Hardison, Lyn
Sent: Wednesday, June 20, 2012 12:40 PM
To: Moye, David; Hodge, Al; McClain, Pat; Bullock, Scott; Hart, Kevin; Dunn, Maria T.; Ward, Garcy; Fisher, Robert; Bailey, Harry
Subject: Norfolk Southerm Railway removal

Hi,
A portion of Norfolk Southern Railway rail (.76 miles) is proposed to be removed and NS Railway are inquiring if any permits or approval are needed from you before they begin the abandonment. Please find they transmittal letter and a location map attached.

If you would please direct your comments to Kearston Comegys (kearston.comegys@nscorp.com) and copy me.

Thanks for your assistance,
Lyn

Lyn Hardison lyn.hardison@ncdenr.gov
Environmental Assistance Coordinator
NCDENR Division of Environmental Assistance & Outreach (DEAO)
Washington Regional Office
943 Washington Square Mall
Washington, NC 27889
Phone: 252-948-3842
Fax: 252-975-3716
ncenvironmentalassistance.org



Please consider the environment before printing this e-mail.

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

Comegys, Kearston

From: Bullock, Scott [scott.bullock@ncdenr.gov]
Sent: Wednesday, June 20, 2012 4:14 PM
To: Hardison, Lyn; Moye, David; Hodge, Al; McClain, Pat; Hart, Kevin; Dunn, Maria T.; Ward, Garcy; Fisher, Robert; Bailey, Harry; Comegys, Kearston
Subject: RE: Norfolk Southerm Railway removal

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: unavailable

Dear Ms. Kearston:

I have reviewed the Petroleum UST and Petroleum Non-UST Incident databases and have determined that there are no reported releases in the proposed area of removal.

Thanks,

Scott Bullock, LG
WaRO UST Supervisor
943 Washington Square Mall
Washington, NC 27889
(252)948-3906
Scott.Bullock@ncdenr.gov

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Hardison, Lyn
Sent: Wednesday, June 20, 2012 12:40 PM
To: Moye, David; Hodge, Al; McClain, Pat; Bullock, Scott; Hart, Kevin; Dunn, Maria T.; Ward, Garcy; Fisher, Robert; Bailey, Harry
Subject: Norfolk Southerm Railway removal

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If you would please direct your comments to Kearston Comegys (kearston.comegys@nscorp.com) and copy me.

Thanks for your assistance,
Lyn

Lyn Hardison lyn.hardison@ncdenr.gov
Environmental Assistance Coordinator
NCDENR Division of Environmental Assistance & Outreach (DEAO)

Washington Regional Office
943 Washington Square Mall
Washington, NC 27889
Phone: 252-948-3842
Fax: 252-975-3716
ncenvironmentalassistance.org



Please consider the environment before printing this e-mail.

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

Projects and Activities Subject to FPPA

Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency.

Assistance from a Federal agency includes:

- Acquiring or disposing of land.
- Providing financing or loans.
- Managing property.
- Providing technical assistance

Activities that may be subject to FPPA include:

- State highway construction projects, (through the Federal Highway Administration)
- Airport expansions
- Electric cooperative construction projects
- Railroad construction projects
- Telephone company construction projects
- Reservoir and hydroelectric projects
- Federal agency projects that convert farmland
- Other projects completed with Federal assistance.

Activities not subject to FPPA include:

- Federal permitting and licensing
- Projects planned and completed without the assistance of a Federal agency
- Projects on land already in urban development or used for water storage
- Construction within an existing right-of-way purchased on or before August 4, 1984
- Construction for national defense purposes
- Construction of on-farm structures needed for farm operations
- Surface mining, where restoration to agricultural use is planned
- Construction of new minor secondary structures such as a garage or storage shed.



North Carolina Department of Environment and Natural Resources

Division of Coastal Management

Beverly Eaves Perdue
Governor

Braxton C. Davis
Director

Dee Freeman
Secretary

May 9, 2012

Marcellus C. Kirchner
Director, Strategic Planning – 12th Floor
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510-2191

SUBJECT: Proposed Rail Abandonment, Beaufort County, North Carolina (DCM#20120038)

Dear Mr. Kirchner:

We received your letter (Docket No. AB-290 (sub-No. 338X)) concerning the proposed abandonment of 0.76 miles of rail line between Milepost WL 25.94 and Milepost WL 26.70 in Beaufort County North Carolina. The location of the proposed project is within of North Carolina's coastal zone. Since the location of the proposed project is within of the State's coastal area, the North Carolina Division of Coastal Management (DCM), may exert regulatory oversight under the Federal consistency review process should the proposed project have a reasonable foreseeable effect on any coastal use or coastal resource located in a coastal county.

Based on the submitted project description and the proposed mitigation measures contained in your letter, it does not appear that the proposed rail abandonment would have reasonable foreseeable effect on any coastal use or coastal resource. Therefore we conclude that no further regulatory review by DCM would be required unless the scope of the proposed project is revised.

As an additional thought, based on the proposed abandonment, we would encourage Norfolk Southern to consider offering the use of the roadbed into a rail-to-trails program. Should you have any further questions, please email me at stephen.rynas@ncdenr.gov or phone me at 252-808-2808 x209. Thank you for your consideration of the North Carolina Coastal Management Program.

Sincerely,

Stephen Rynas, AICP
Federal Consistency Coordinator
Cc. Doug Huggett, Division of Coastal Management

Comegys, Kearston

From: Beth Walls [Walls.Beth@epamail.epa.gov]
Sent: Friday, May 25, 2012 8:24 AM
To: Comegys, Kearston
Cc: walls.beth@epa.gov; Heinz Mueller
Subject: Docket No. AB-290 (Sub No. 338X), Norfolk Southern Railway Company – Abandonment –in Beaufort County, NC

Dear Mr. Comegys:

I am responding on behalf of Heinz Mueller (addressee) regarding Mr. Marcellus Kirchner's May 4, 2012, letter to US. EPA, Region 4, regarding a request for EPA's review of the proposed 0.76 mile rail line abandonment project in Aurora City, Beaufort County, North Carolina. Mr. Kirchner requested us to direct our response to you.

According to the above-referenced letter, NS is proposing to abandon rail line between railway Mileposts (MP) WL 25.94 and 26.70. The letter indicates the proposed action will not involve new road construction, dredging, nor fill deposition and the underlying road bed will not be disturbed. This letter requested EPA's advice as to whether a Clean Water Action (CWA) Section 402 permit would be needed.

The requirement for a CWA permit is triggered by the presence of CWA-defined waters. The enclosed DeLorme Street Atlas map does depict the presence of Whitehurst creek confluence with a larger unnamed surface water body near the vicinity of MP WL 26.7. Thus, there is a potential for CWA-defined waters to be impacted. The letter indicates no direct discharges into CWA-defined waters is anticipated to be associated with the proposed action. But, there may be the potential for stormwater related runoff associated with the action, which may trigger a CWA 402 stormwater permit. And since I have no experience with the type of equipment or actions associated with the proposed action that could realize polluted runoff into surface waters, I cannot definitively determine whether a CWA Section 402 Storm Water Permit is required.

I can tell you EPA has delegated its CWA implementation to the State of North Carolina (North Carolina Department of Environmental and Natural Resources (NCDENR)). The State has met EPA's criteria to implement the CWA in lieu of EPA. Thus, compliance with the State of North Carolina's CWA-equivalent storm water permit is sufficient to meet the federal CWA requirements. I recommend contacting NCDENR's storm water permitting unit staff, contact information is available at <http://portal.ncdenr.org/web/wq/ws/su>.

Additionally, I would recommend NS also contact the appropriate City of Aurora department responsible for implementing the Municipal Separate Storm Sewer Systems (MS4) program. The City is required to obtain a MS4 permit from the State. EPA anticipates NS, as a corporate citizen, would be reluctant for any of its activities to possibly cause the City to be unable to comply with its MS4 permit requirements. To obtain a City contact, the NCDENR storm water permitting unit staff should be able to guide you as to whether this latter recommendation is necessary.

Sincerely,



Beth Walls
Environmental Scientist,
404-562-8309 & walls.beth@epa.gov

ATTACHMENT 2
CONSULTING AGENCY RESPONSES TO
ENVIRONMENTAL AND HISTORIC REPORT
(POST-CIRCULATION)



**North Carolina Department of Cultural Resources
State Historic Preservation Office**

Ramona M. Bartos, Administrator

Beverly Hayes Perdue, Governor
Linda A. Carlisle, Secretary
Jeffrey J. Crow, Deputy Secretary

Office of Archives and History
Division of Historical Resources
David Brook, Director

August 20, 2012

Kearston Comegys
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510
kearston.comegys@nscorp.com

Re: Norfolk Southern Railway Company Abandonment, Aurora, STB Docket AB-290 (Sub-No. 338X),
Beaufort County, ER 12-1344

Dear Mr. Comegys:

Thank you for your letter of August 2, 2012, concerning the above project.

We have conducted a review of the project and are aware of no historic resources which would be affected by the project. Therefore, we have no comment on the project as proposed.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Harley, environmental review coordinator, at 919-807-6579. In all future communication concerning this project, please cite the above-referenced tracking number.

Sincerely,

A handwritten signature in cursive script that reads "Renee Gledhill-Harley".

for Ramona M. Bartos

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 338X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN AURORA, BEAUFORT COUNTY, NORTH CAROLINA**

EXEMPTION NOTICE

DRAFT NOTICE OF EXEMPTION

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 290 (Sub-No. 338X)]

Norfolk Southern Railway Company – Abandonment Exemption – In Aurora, Beaufort County,
North Carolina

Norfolk Southern Railway Company (NSR) has filed on August 22, 2012, a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon approximately 0.76 miles of rail line (hereinafter, the “Line”) located in Aurora, Beaufort County, North Carolina. The Line extends from milepost WL 25.94 (at the Line’s crossing of Highway 306) to milepost WL 26.70. The line traverses United States Postal Service Zip Code 27806.

NSR has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the subject line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court, or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 C.F.R. § 1105.7(c) (environmental report), 49 C.F.R. § 1105.11 (transmittal letter), 49 C.F.R. § 1105.12 (newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To

address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on October 11, 2012, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),² and trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by _____. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by _____, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to NSR's representative:
Robert A. Wimbish, Baker & Miller PLLC, 2401 Pennsylvania Ave., NW, Suite 300.
Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void ab initio.

NSR has filed a combined environmental and historic report which addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by _____. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OEA, at (202) 245-0305. Assistance for the hearing impaired is

¹ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Serv. Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

² Each OFA must be accompanied by the filing fee, which is currently set at \$1,500. See 49 C.F.R. § 1002.2(f)(25).

available through the Federal Information Relay Service (FIRS) at 1-800-877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, if and where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 C.F.R. § 1152.29(e)(2), NSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and has fully abandoned the line. If consummation has not been effected by NSR's filing of a notice of consummation by October 11, 2013, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: _____.

By the Board, Rachel D. Campbell, Director. Office of Proceedings.